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General Assembly
Fiftieth Session

Official Records

103rd plenary meeting
Wednesday, 3 April 1996, 10.30 a.m.
New York

President: Mr. Diogo Freitas do Amaral . . . . . (Portugal)

In the absence of the President, Mr. Moubarak (Lebanon) took the Chair.

The meeting was called to order at 11 a.m.

Address by His Excellency Mr. Oscar Luigi Scalfaro, President of the Italian Republic

The Acting President: This morning the Assembly will first hear an address by the President of the Italian Republic.

Mr. Oscar Luigi Scalfaro, President of the Italian Republic, was escorted into the General Assembly Hall.

The Acting President *(spoke in Italian; interpretation by interpreter provided by the Italian Mission):* I wish to thank you, Sir, for being present and to welcome you to the United Nations on behalf of the General Assembly, which has the privilege of hearing for the first time the President of the Italian Republic.

Two thousand years ago, in Rome, Seneca said:

"Nature produced brothers in generating us from the same elements and destining us for the same ends".

These same principles uphold our Organization.

On behalf of the General Assembly, I have the honour to invite His Excellency Mr. Oscar Luigi Scalfaro, President of the Italian Republic, to address the Assembly.

President Scalfaro *(spoke in Italian; English text furnished by the delegation):* I know well that this Assembly, which gives voice to the whole world, has met on this occasion to give the President of the Republic of Italy the very great and deeply felt honour of addressing it.

The thanks that I give to all members and, through them, to the people and Governments that they represent cannot fully express my heartfelt gratitude.

But I also feel that my country, Italy, is indeed worthy of the expression of respect and consideration that you have conferred upon me.

Italy has been an active member of this Organization for over 40 years. Italy has been punctual in honouring its assessment and is the sixth-largest contributor to the regular budget of the United Nations. Fully aware of the Organization's financial difficulties, our country has been early in its provision of funds for the current year. In 1995, it contributed over $150 million to the budget for the peace-keeping forces alone.

I know that these are only numbers, but they demonstrate that Italy has always firmly believed in the indispensable role of the United Nations.

Italy has always believed in the United Nations, as is shown by the fact that 62 of its citizens, 49 of whom were in the armed forces, have died on United Nations operations. They offered their lives for the cause of

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peace — peace, the constant hope of the nations and of the men and women of the world; peace, the natural right of each individual. Where peace is denied, mourning, ruin, misery and the horrible massacre of the innocent are the result.

The voices, tears and cries of the millions of innocent, abandoned and disabled children, who have neither families nor love, would certainly be enough to justify, indeed to force, each and every people and each and every State that truly believes in human rights to support this institution. They must ensure that it is efficient and effective, and feel a sense of guilt when they neglect or disregard it, or when they undertake solemn commitments that they fail to meet.

Is it conceivable to belong to an institution that was created to defend human rights, and in one's own country forget, or infringe on, these same rights?

Because of this faith in the essence of the United Nations, and with the authority that is bestowed upon me by the loyalty of my country to commitments it has pledged and always fulfilled and respected, whatever the cost, I should like to ask those States that belong to the United Nations but do not fulfil their obligations: "Do you not realize that by neglecting the commitments to which you have freely subscribed — even when such neglect may not be your real intention — you end up not being on the side of peace, on the side of the rights of man, of freedom and of justice?"

No, do not be afraid, ladies and gentlemen. Even though I am a judge, I do not wish to accuse anyone. I merely want to repeat to those nations that are our friends and are involved in the same human adventure of the world in which we live, I merely want to repeat to ourselves: Let us be careful; peace is a value that concerns everyone and everyone must share the responsibility for it. Everyone must do this with faith, with belief, considering it a duty, in a spirit of solidarity and fraternity.

Peace is a value that is the very basis of the rights of individuals and nations.

This century is coming to an end amidst many hotbeds of war but even greater hopes for peace. This century has seen the fall of empires and the eclipse of ideologies that negated man, his dignity, his right to be free and to believe in God, to believe in that which will not die. It has also been during this century, amidst the destruction of war and the terrible extermination of innocent people, that man has emerged intact and triumphant, with his inviolable rights, with his dignity. Although this dignity has been infringed upon and scorned, it always rises again, alive and ever strong.

Everything calls us to peace. There can be no neutrality when it comes to peace, just as there can be no neutrality in the choice between good and evil, between truth and falsehood.

It is because of this love, of this faith in serving a humanity that fears war, that is a victim of arrogance and violence, that is deprived of the love of its dear ones, its home, its land, that I feel the need, rather than the duty, to express to the United Nations, to all those who work and will work within and through this Organization, the gratitude of the Italian people and of the President of the Republic of Italy, but especially my personal gratitude as a man who has experienced war, the war of my country's liberation from dictatorship. As a judge I was able to see, amidst human tragedy, the serious consequences of the rejection of peace.

This gratitude springs from the many operations that over the past 50 years the United Nations has undertaken in order to protect populations threatened by war or afflicted by violence perpetrated by others and to restore peace or at least to halt actions of war in order to safeguard freedom and security.

This gratitude also springs from the immense humanitarian efforts of the United Nations to bury the dead, care for the wounded, give shelter to families left with nothing and assist columns of desperate refugees fleeing aimlessly, hopelessly, driven forward by a war that follows on their heels, by a war that persecutes them in order to destroy them. The humanitarian work of the United Nations has saved hosts of suffering people. It has rekindled hope and offered a human face to those who had previously known only inhumanity and destruction. All this is a monument of loyalty to mankind.

I should like to thank not only those who have planned and led these operations for peace or humanitarian assistance, but also the thousands of unknown people who have demonstrated self-sacrifice and generosity on behalf of the United Nations. No one will ever be able to measure the evils that this Organization has impeded through its foresight and deterrence, how much suffering it has foreseen and prevented, or how much pain, how many clashes, trials, torments and heavy burdens it has forestalled; and this, because someone's sacrifice raised an effective barrier.

Such a chronicle of averted tragedies will never be written. But for those who believe in the invincible force of truth and goodness, this legacy, enveloped in mystery, will never be erased.

The balance sheet of these 50 years, therefore, is incontestably positive.

Having said this in all truth and justice, I am led by my faith in the United Nations to ask this Assembly the same questions that I raised at the commemoration of the fiftieth anniversary in the Italian Chamber of Deputies in Rome, on 9 January 1996, at the meeting attended by Secretary-General Boutros-Ghali.

After 50 years of life and activity, we must re-examine, with a clear conscience and human courage, those moments, actions and events that were less successful, had no positive impact, produced only incomplete results or, in any event, caused damage and at times induced serious doubts. We need to examine the errors committed, especially repeated ones. We need to examine our inaction and delays and their painful consequences.

Let us review the causes of these errors, these shortcomings: inexperience, erroneous assessments of realities and facts, unpreparedness, organizational deficiencies, the inadequacies of some in command. One could go on, and we should not forget a very serious cause — namely, the lack of means, which in the case of certain countries could be seen as a fault.

Let us concentrate above all on a delay, or an error, which has not been carefully detected or examined, and which as a result has unfortunately been repeated.

An examination of our failures is an act of conscience, intellectual honesty and wisdom. It can also become a political act of the utmost importance.

There is another essential question. The United Nations is 50 years old, and it is certainly true that during this time it has evolved considerably. But are we sure that at present the United Nations is completely — I emphasize completely — equipped to deal with the world of the third millennium, the societies, the needs and the scourges of the third millennium?

We need foresight, a great sense of responsibility and resolve to act. Resolve is a political fact that requires political will.

And if after this careful and complex examination we conclude that we have to streamline or close some office or sector, or to change the responsibilities of certain people, then it is our duty to do so.

Worries over supposed conveniences or over upsetting balances that no longer exist would entail heavy and unforgivable responsibilities for us. This is the task of each and every one of us.

We must beware of serving the exclusive interests of our own countries — this would be of no use at all.

If certain reforms are necessary, we should remember that our sole task is to ensure that the United Nations becomes the most efficient, flexible, transparent and suitable instrument to serve humanity when it is in danger or suffering, to prevent evil or to free humanity from evil when evil is upon it.

The most important question, I repeat, is political will.

If 185 States of the world are really able to express a common will, a solid, forceful and clear will in their quest for peace, in their desire to defend the rights and dignity of man, they will give enormous political responsibility to the Security Council and to the Secretariat.

At times I think the Secretary-General must feel lonely or feel little or insufficient commitment.

The strength of the United Nations lies in this Assembly, in this Hall consecrated to the cause of peace and harmony among peoples.

And the peoples of the world must believe in this Assembly. Let us never disappoint them.

I have mentioned the Security Council, but it is not my intention here to take advantage of the Assembly's courtesy to promote views it already knows that have been presented by the Italian Government. That is not why I am here.

This question should be resolved through the involvement of the largest possible number of Member States. But let us be careful. An Olympus of powerful countries could widen the gap and thus reduce the interest of the excluded, demeaning their political commitment in the process and perhaps marginalizing them and giving

them the dangerous feeling that they are token presences, mere spectators.

All Member States must feel that they are a vital part of the United Nations, that they are active participants in the great project envisaged by the initiators of this endeavour.

And nobody should make a decision out of devotion to States which are stronger or whose help is needed.

Let us make sure that each State has a single goal — to better serve the cause of peace.

The *raison d'être* of the United Nations is the defence of the individual, of humanity.

The full picture of all humankind grows larger every day. We must feel more and more involved — and even responsible — if on the face of the Earth some are suffering for the cause of freedom, of human rights, because of humiliating poverty, or because their dignity has been insulted and infringed upon.

Nobody can wash their hands of such questions — nobody at all. The defence of the freedom of the peoples of the world is the direct responsibility of the United Nations. But recently the cooperative efforts of the North Atlantic Treaty Organization (NATO) have been needed to impose peace.

But let us beware. Peace cannot be imposed. Imposing it may well be the first step towards banning weapons. But much more is needed to ensure that peace becomes solidarity, sharing, brotherhood and love.

The immense task of humanitarian aid is certainly the truest path to peace. This is because it invoives sharing in the suffering of others.

And let us not forget that helping people to live in freedom, to enjoy social justice worthy of man, to live in democracy, is certainly the highest form of humanitarian aid.

We are living in times when human wickedness is interwoven with pure human heroism.

The United Nations has taken the side of freedom and justice for humanity.

I have the honour to assure the General Assembly that Italy will never retreat, in a spirit of sacrifice and love, from the difficult and glorious cause of peace.

The Acting President thanked the President of the Italian Republic for his statement; Mr. Oscar Luigi Scalfaro, President of the Italian Republic, was escorted from the General Assembly Hall.

Agenda item 120 *(continued)*

Scale of assessments for the apportionment of the expenses of the United Nations (A/50/888/Add.2)

The Acting President: In a letter contained in document A/50/888/Add.2., the Secretary-General informs the President of the General Assembly that, since the issuance of his communications dated 28 February and 6 March 1996, Afghanistan, Haiti and Uzbekistan have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Reports of the Fifth Committee

The Acting President: The General Assembly will now consider the reports of the Fifth Committee on agenda items 116 and 159, 116 and 138 (a).

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee that are before the Assembly today.

It was so decided.

The Acting President: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that:

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote

only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we shall proceed to take decisions in the same manner as was done in the Fifth Committee.

Agenda item 116

Proposed programme budget for the biennium 1996-1997

Report of the Fifth Committee (Part II) (A/50/842/Add.1)

The Acting President: Before we proceed further, I should like to propose, in view of the fact that the General Assembly adopted the programme budget for the biennium 1996-1997 on 23 December 1995, that the title of the item be amended by deleting "proposed".

There being no objection, it will therefore read "Programme budget for the biennium 1996-1997".

The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 5 of Part II of its report.

The draft decision, entitled "Activities of the Advisory Committee on Administrative and Budgetary Questions during the forty-ninth session of the General Assembly", was adopted by the Fifth Committee.

May I take it that the Assembly wishes to do the same?

The draft decision was adopted.

The Acting President: We have thus concluded this stage of our consideration of agenda item 116.

Agenda items 159, 116 *(continued)* **and 138 (a)** *(continued)*

Human resources management

Programme budget for the biennium 1996-1997

Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations

(a) Financing of the United Nations peace-keeping operations

Report of the Fifth Committee (Part II) (A/50/834/Add.1)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of part II of its report.

The draft resolution, entitled "Special representatives, envoys and related positions", was adopted by the Fifth Committee without a vote.

May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 50/219).

The Acting President: We have thus concluded this stage of our consideration of agenda items 159, 116 and sub-item (a) of agenda item 138.

Agenda item 8 *(continued)*

Adoption of the agenda and organization of work

Request for the reopening of the consideration of agenda item 95 (a) (Trade and development) submitted by Venezuela (A/50/905)

The Acting President: The request submitted by Venezuela is contained in a letter dated 21 March 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Venezuela to the United Nations addressed to the Secretary-General and circulated in document A/50/905.

By this letter, the Assembly is informed that the Third United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business

Practices recommends that the General Assembly should change the title of the Intergovernmental Group of Experts on Restrictive Business Practices to that of Intergovernmental Group of Experts on Competition Law and Policy.

Since the next session of the Intergovernmental Group of Experts is scheduled to take place in the second half of this year, it is felt that the best time for adopting the new title of the Group would be during one of the upcoming meetings of the resumed session of the General Assembly.

In view of the foregoing, the Chargé d'affaires a.i. of the Permanent Mission of Venezuela requests that the discussion of sub-item (a) of agenda item 95 be reopened in order to consider the draft resolution annexed to the letter.

May I take it that the General Assembly, on the proposal of Venezuela, wishes to reopen its consideration of sub-item (a) of agenda item 95?

It was so decided.

The Acting President: Representatives are aware that this agenda item was allocated to the Second Committee. However, in order for the General Assembly to consider the draft resolution as soon as possible, may I take it that the General Assembly wishes to consider sub-item (a) of agenda item 95 directly in plenary meeting?

It was so decided.

Request for the reopening of the consideration of agenda item 95 (c) (United Nations Conference on Human Settlements (Habitat II))

Note by the Secretary-General (A/50/900)

The Acting President: In his note, the Secretary-General informed the Assembly that, at its 6th meeting, on 16 February 1996, the third session of the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II) recommended to the General Assembly that it authorize the Economic and Social Council at its resumed organizational session, in May 1996, to decide on the accreditation to the Conference of the non-governmental organizations that had not been recommended for accreditation by the Conference secretariat.

In order for the General Assembly to consider this matter, it will be necessary to reopen consideration of sub-item (c) of agenda item 95.

May I take that the General Assembly, on the proposal of the Secretary-General, wishes to reopen consideration of sub-item (c) of agenda item 95?

It was so decided.

The Acting President: Representatives are aware that this agenda item was allocated to the Second Committee. However, in order for the Assembly to proceed expeditiously on this matter, may I take it that the Assembly wishes to consider the recommendation by the Preparatory Committee directly in plenary meeting?

It was so decided.

The Acting President: May I further take it that the Assembly agrees to proceed immediately to the consideration of the recommendation by the Preparatory Committee contained in document A/50/900?

I see no objection. We will then proceed accordingly.

Agenda item 95 *(continued)*

(c) United Nations Conference on Human Settlements (Habitat II)

Note by the Secretary-General (A/50/900)

The Acting President: May I take it that it is the wish of the General Assembly to authorize the Economic and Social Council at its resumed organizational session, in May 1996, to decide on the question of the accreditation to the United Nations Conference on Human Settlements (Habitat II) of the non-governmental organizations that had not been recommended for accreditation by the Conference secretariat?

It was so decided.

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of sub-item (c) of agenda item 95?

It was so decided.

Agenda item 8 *(continued)*

Adoption of the agenda and organization of work

Request for the reopening of the consideration of agenda item 109 (Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions)

Note by the Secretary-General (A/50/901)

The Acting President: In his note, the Secretary-General informed members of the Assembly that, at the 2nd plenary meeting of its Organizational Session of 1996, on 9 February 1996, by its decision 1996/212, the Economic and Social Council recalled General Assembly resolution 1166 (XII) of 26 November 1957, in which the Assembly provided for the establishment of an Executive Committee of the Programme of the United Nations High Commissioner for Refugees, as well as Assembly resolutions 1958 (XVIII) of 12 December 1963, 2294 (XXII) of 11 December 1967, 36/121 D of 10 December 1981, 42/130 of 7 December 1987, 45/138 of 14 December 1990, 48/115 of 20 December 1993 and 49/171 of 23 December 1994, in which the Assembly provided for subsequent increases in the membership of the Executive Committee.

By the same decision, the Economic and Social Council took note of the request regarding the enlargement of the Executive Committee contained in the letter dated 23 November 1995 from the Minister for Foreign Affairs of Ireland to the Secretary-General and recommended that the Assembly take a decision at its fiftieth session on the question of increasing the membership of the Executive Committee from 50 to 51 States.

In order for the General Assembly to consider this question, it will be necessary to reopen consideration of agenda item 109.

May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to reopen consideration of agenda item 109?

It was so decided.

The Acting President: Members are aware that this agenda item was allocated to the Third Committee. In order for the Assembly to consider this question as soon as possible, may I take it that the Assembly wishes to consider agenda item 109 directly in plenary meeting?

It was so decided.

Agenda item 12 *(continued)*

Report of the Economic and Social Council (A/50/3/Add.2)

The Acting President: Members will recall that the Assembly, at its 98th and 99th meetings, on 22 December 1995, took note of the report of the Economic and Social Council contained in documents A/50/3 and Add.1.

Subsequently, the Economic and Social Council submitted a report on its resumed substantive session of 1995, which has been circulated as document A/50/3/Add.2.

May I take it that the Assembly wishes to take note of the report of the Economic and Social Council on its resumed substantive session of 1995 contained in document A/50/3/Add.2?

It was so decided.

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 12.

Agenda item 38 *(continued)*

The situation of democracy and human rights in Haiti

Report of the Secretary-General (A/50/861 and Add.1)

Letter from the Secretary-General to the President of the General Assembly (A/50/891)

Draft resolution (A/50/L.67)

Report of the Fifth Committee (A/50/913)

The Acting President: I now call on the representative of Argentina to introduce draft resolution A/50/L.67.

Mr. Cárdenas (Argentina) (*interpretation from Spanish*): It is a source of particular pride for my delegation to introduce, on behalf of the group of Friends of the Secretary-General for Haiti, the draft resolution on the situation of democracy and human rights in Haiti, contained in document A/50/L.67. This draft makes mention of the most recent resolutions adopted by the Security Council, the Economic and Social Council, the Commission on Human Rights and the Organization of American States (OAS), and it reaffirms that the central objective is the full observance of human rights and fundamental freedoms and the promotion of social and economic development in Haiti. It welcomes the recent democratic process of presidential and legislative elections, conducted in a climate of peace, which undoubtedly represent a decisive step towards the consolidation of democracy in that country. The draft also continues to support the action of the Secretaries-General of the United Nations and of the OAS and highlights once again the work done by the Special Representative of the Secretary-General of the United Nations and his entire staff.

It also expresses thanks for the continued efforts made by States to provide humanitarian assistance and technical cooperation to the people of Haiti and for the contribution of the United Nations Mission in Haiti (UNMIH) and of the International Civilian Mission to Haiti (MICIVIH) in the establishment of a climate of freedom and tolerance propitious to the full observance of human rights and the restoration of constitutional democracy.

It welcomes the improvement in the human rights situation in Haiti and takes note of the report of the Secretary-General of 25 January 1996 and of the addendum thereto (A/50/861/Add.1).

The operative part of the draft resolution welcomes the recommendations contained in the report of the Secretary-General regarding the renewal of the mandate for the joint participation of the United Nations and the Organization of American States in the International Civilian Mission to Haiti, whose task it will be to verify full observance of human rights and fundamental freedoms, in order to establish a climate of freedom and tolerance propitious to the definitive consolidation of democracy and its institutions.

In this spirit, the draft decides to authorize, taking into account the report of the Secretary-General, the renewal of the mandate of MICIVIH until 31 August 1996, and it expresses the necessary support for the Mission as well as the confidence that the Haitian Government will continue its effective, timely and complete cooperation.

The draft commends the Haitian authorities on the progress achieved towards the consolidation of democracy, respect for human rights and the reconstruction of Haiti, and also praises the Haitian people in its ongoing quest for a strong and lasting democracy, the consolidation of justice and economic prosperity.

Mr. Reyn (Belgium), Vice-President, took the Chair.

It expresses its appreciation to those States participating in the missions in Haiti and those that have accompanied the Haitian people in their efforts to return to constitutional order and democracy, and it reaffirms the conviction that the international community should increase its economic, technical and financial-cooperation assistance.

It also commends the efforts of the Secretaries-General of the United Nations and the OAS in their efforts to promote respect for the human rights of the Haitian people, and it asks the Secretary-General to support the Government of Haiti with a view to national reconstruction.

For all these reasons, and because we feel that this draft resolution represents one more milestone in the process of consolidating democracy in that fraternal country — a process that my country has followed closely and actively, cooperating in every way to express its solidarity with the Haitian people in their suffering — my delegation wishes to underscore its co-sponsorship and expresses the hope that the draft resolution will be adopted by the Assembly by consensus.

Mr. Ferrarin (Italy): I have the honour to speak on behalf of the European Union. The following countries associate themselves with this statement: Cyprus, Hungary, Malta, Poland and Romania.

Three months ago, the General Assembly adopted resolution 50/86, on the situation of democracy and human rights in Haiti, expressing full support for the International Civilian Mission to Haiti (MICIVIH) and its confidence that the Haitian Government would continue to ensure full and effective cooperation with the Mission.

Last December's decision was a sign of the international community's confidence that the process of

consolidating democracy in Haiti is irreversible. The United Nations has made considerable efforts through two parallel missions, one aimed at strengthening the institutions and fostering the economic and social reconstruction of the country, with particular attention to respect for human rights, and the other aimed at creating the conditions for security and peaceful coexistence among all members of Haitian society. Both missions have achieved positive results, as the European Union fully acknowledged on the occasion of the recent presidential elections in Haiti.

On that occasion, the presidency made the following statement:

> "The European Union congratulates Haiti and expresses its satisfaction on the holding of free and fair elections, which represents a further step towards consolidation of democratic institutions in the country. The European Union looks forward to the transfer of office from one democratically elected president to another, which will be an unprecedented event in Haiti's history. The European Union congratulates President René Préval and trusts that he will be able to complete the work of his predecessor, Mr. Jean-Bertrand Aristide, and, with the support of the Haitian people, achieve, in a framework of national reconciliation and justice, continued progress in human rights and social and economic development."

The Secretary-General's report of 25 January in document A/50/861 is eloquent in providing the General Assembly with the necessary elements for a decision on the extension of MICIVIH. There are still grey areas in this complex post-conflict peace-building initiative of the United Nations and, in this respect, the abuses outlined by the Secretary-General in paragraphs 15 to 17 of his report are cause for continuing concern. While requesting the new Haitian Government to take the necessary steps to end such abuses, the European Union notes with satisfaction the report's statement that

> "the human rights situation has improved dramatically as a result of the reforms initiated". (*A/50/861, para. 41*)

These reforms, particularly the creation of an efficient police force, the restructuring of the penal system and the broad-scale reform of the judiciary, are objectives that must continue to be pursued.

This is why the European Union agrees that the two primary responsibilities to be assigned to MICIVIH in this phase of its activity are, first, to provide technical assistance in institution-building, assessing the responsiveness of the new configuration to the need to safeguard human rights; and, secondly, to initiate programmes that promote and protect the human person.

The Secretary-General's report shows how difficult it still is to remove the air of impunity surrounding those who abuse their positions of public service. Episodes of summary justice are examples of the difficulties concerning the legal system, which continue to be cause for concern.

Such difficulties reinforce our conviction that the capital accumulated by the international community through MICIVIH and the United Nations Mission in Haiti (UNMIH) must not be squandered. Haiti can and must continue to be a United Nations success story. However, today's decision takes place at a particularly difficult juncture for the United Nations budget.

In this respect, the European Union has taken note with great concern of the letter of the Secretary-General to the President of the General Assembly, circulated as document A/50/891, in which he alerts Member States to the implications of requesting the implementation of extended mandates, such as UNMIH's, without at the same time providing adequate additional funding. As a major contributor to the United Nations regular and peace-keeping budgets — assuring at present 50 per cent of the actual cash flow — the European Union is aware of these implications. We fully share the view expressed by the Secretary-General that human rights missions have been established to help bring to an end long-standing conflicts and to create conditions for a lasting peace in the countries concerned.

In our view, it is not possible at this stage to have a clear understanding of whether it is necessary to have additional appropriations or whether it can be reasonably expected that the expenses for UNMIH will be partially absorbed within the existing resources. Let me say that the European Union is ready to agree on the financing of this Mission with additional assessments if it proves impossible to absorb these expenditures through savings from the programme budget. To that extent, it may not be ultimately possible to carry out these activities within existing resources.

Mr. Karsgaard (Canada) (*interpretation from French*): The inauguration of President René Préval on 7 February this year was the first peaceful transfer of power in Haiti's history from one democratically elected President to another. Haiti can now proudly say that it has joined the growing ranks of true democracies around the world, and we are happy to welcome it into the fold.

However, there is still some distance to be travelled in consolidating the gains made to date and ensuring that democracy in Haiti is secure and stable in the long term. Both the Government and people of Haiti need to prepare themselves for some of the difficult choices that lie not far ahead. We are pleased to see that they are doing so. During his recent visit to Canada, President Préval expressed his readiness to take up the urgent tasks of economic reconstruction and institution-building, two elements essential to the maintenance of a secure and stable society in Haiti.

We agree with President Préval that economic reform is critical to the consolidation of democracy in Haiti. This will not take place overnight, but it is important that the first steps towards self-sufficiency and a functioning economy be taken. In this connection, Canada is providing technical assistance to various Haitian institutions, and we intend to continue to provide such assistance to support Haiti's efforts to establish a solid economic foundation based on a sound fiscal policy.

What is also required, as President Préval has stressed, is that the people have confidence in the Government, in the protection it provides to its citizens and in its administrative efficiency. At stake here are the authority of the State and the population's respect for that authority. One aspect of the State's work that will have an immediate impact on the lives of most Haitian citizens is the administration of justice, through the new Haitian National Police as well as through the range of judicial and penal institutions that support and work alongside the police. Institution-building is required in order to create a viable, effective judicial system that will treat all Haitian citizens justly and equitably. Institution-building includes training, monitoring and consulting and the necessary development of infrastructure.

(*spoke in English*)

The United Nations, through both the International Civilian Mission to Haiti (MICIVIH) and the United Nations Mission in Haiti (UNMIH), has been present throughout Haiti's progress towards building democratic institutions and has played an invaluable role in these efforts. Canada welcomed President Préval's request that MICIVIH be renewed for a further period of six months and was happy to be a sponsor, as a member of the group of Friends of Haiti, of the draft resolution before us today.

MICIVIH has proven to be a highly successful collaboration by the United Nations with a regional organization, the Organization of American States, and is a credit to both Organizations. The Mission worked hard to prepare the groundwork for the recent presidential elections and to promote understanding and respect for human rights. In fulfilling its mandate, it has shown that it is the type of operation of which the international community as a whole can be proud.

And yet MICIVIH has been transformed since its inception three years ago, mirroring and adapting to changes which have taken place in Haiti. It is now a smaller, more focused mission. It has evolved into a consultative body, a resource to which the Government of Haiti can turn, and on which it can rely, for advice in the difficult task of institution-building in the judicial and penal areas.

As authorized by the General Assembly, MICIVIH will continue to perform such tasks as assisting with the implementation of a reform project to create a civilian penal administration system and will cooperate with the Ministry of Justice to bring about lasting improvements to Haitian legislation.

MICIVIH will also continue to provide important support in the area of police training. MICIVIH has worked, and will continue to work, closely with the United Nations Civilian Police, given the former's emphasis on police training. As we contemplate the future role of the international community in Haiti, police training will no doubt continue to be of primary importance.

Canada considers that fostering respect for human rights is central to a strong and vibrant democracy and therefore welcomes MICIVIH's continued focus on this area. It is obvious that the protection of human rights in Haiti improved dramatically with the return of legitimate government and the dawn of democracy. MICIVIH is no longer present in Haiti to catalogue the numerous abuses of an odious regime. Rather, it is there to provide assistance to a new Government which is anxious to codify its respect for human rights through its own

programme for the promotion and protection of human rights. MICIVIH will provide education on human rights to all segments of Haitian society and will cooperate with a wide range of institutions, including health as well as judicial institutions, in identifying both problems and solutions.

I would also like to make reference to the financial issues which have been raised in the context of the consideration of the MICIVIH draft resolution. There is broad political support for the excellent work this Mission has accomplished. As a member of the group of Friends of Haiti, we too have expressed our clear support for the extension of the Mission's mandate.

However, a new and separate issue was raised by the suggestion that, at this early stage in the fiscal year, this mandate could not be supported within existing resources. This was of some concern to us in the light of our support for the reduction in the programme budget for the current biennium and the strong Canadian desire to see the United Nations live within its means. We are pleased that a commitment authority has now been authorized for the extension of MICIVIH's mandate, and we look forward to the Secretary-General's report in May, on absorption of the costs within existing resources.

In conclusion, Haiti has recently entered an entirely new phase in its history, one which may prove to be the most challenging yet. The draft resolution before us today ensures that the Civilian Mission to Haiti also enters a new phase in its history as it accompanies Haiti along the road to strong and vibrant democracy.

Mr. Ladsous (France) *(interpretation from French)*: First, I would like to say that France fully associates itself with the statement made by the Deputy Permanent Representative of Italy on behalf of the European Union.

Since the last time the General Assembly was given the task of considering the situation of democracy and human rights in Haiti, great progress has been achieved in that country. For the second time in its history, truly democratic elections have been held in Haiti, resulting in President René Préval's succeeding President Jean-Bertrand Aristide in what may be described as an exemplary transition.

The situation in Haiti has improved greatly, and the presence of Blue Helmets has contributed a great deal in this regard. For that reason the Security Council once again renewed the mandate of the United Nations Mission in Haiti (UNMIH) a few weeks ago. Observers assigned to the International Civilian Mission to Haiti (MICIVIH) have also played an important role in the restoration of a climate favourable to the implementation of the democratic process. This is why it appeared absolutely necessary to renew once again the mandate of this Mission.

The report of the Secretary-General on MICIVIH's activities shows that the presence of observers charged with verifying full respect for human rights in Haiti and, above all, with providing technical assistance with a view to strengthening Haitian institutions is once again fully warranted.

Following the elections, much remains to be done in Haiti. Important tasks in connection with the training of police, the establishment of an independent judiciary and support for the development of a programme for the protection and promotion of human rights must all be successfully carried out. These goals, which MICIVIH will support, will foster the establishment of a climate of freedom and tolerance, which will be propitious for the consolidation of a lasting constitutional democracy in Haiti.

The very useful role to be played by the MICIVIH observers in these crucial areas also justifies giving the United Nations Mission sufficient financial support. We hope that the Fifth Committee, which in May will deal with a new report of the Secretary-General on this issue, will obtain for MICIVIH the resources it needs to function properly.

While no one questions the usefulness of the operation whose mandate is to be extended by the General Assembly, the Government of France, for its part, would regret having the Mission's very existence cast into doubt solely because certain major contributors that do not pay the contributions they owe to the United Nations do not seem willing to give it the resources it needs.

Mr. Varela (Chile) *(interpretation from Spanish)*: The draft resolution on the situation of democracy and human rights in Haiti, contained in document A/50/L.67, which was just introduced by the Ambassador of Argentina, Mr. Emilio Cárdenas, and of which Chile, as a member of the Friends of Haiti, is a sponsor, enjoys the broadest political support in my country.

That draft resolution, which would renew the mandate of the United Nations component of the International Civilian Mission to Haiti until 31 August 1996, according to the terms of reference and modalities of this joint mission with the Organization of American States (OAS), would send a clear message of confidence and support to the people and the Government of Haiti, which are striving to consolidate political, economic and social progress in a progressive framework of democratic institutionalization.

Chile has enthusiastically supported the Mission from the outset, and views it as a valuable and effective contribution to the process of democratization and pacification in Haiti and hence to the stability of the region. Its activities help consolidate progress of all kinds, in particular the strengthening of human rights and the justice system, making possible peaceful progress towards better living conditions.

Through this Mission, the United Nations is cooperating in Haiti's national reconciliation, in strengthening its democratic institutions, and in bolstering stability and peaceful progress towards economic and social development. By this draft resolution the international community will certainly be helping avoid any risk of reversal in the social processes under way. Any indifference by the international community, for any reason, could sooner rather than later unleash even more virulent crises that would be even harder to reverse.

As a member of the group of Friends of Haiti, my delegation is pleased at the unanimous and vigorous support for the continuation of the United Nations Mission in Haiti and is confident that the Mission's ethical and moral dimension will make it possible for Member States, in the framework of the technical decision adopted by the Fifth Committee, to find the financing to ensure the full completion of the mandate.

Mr. Lelong (Haiti) (*interpretation from French*): As the General Assembly again considers the item entitled "The situation of democracy and human rights in Haiti", I take the opportunity, on behalf of the people and the Government of Haiti, warmly to thank the Assembly for the kind interest it has always taken in this item.

I wish also to thank the Secretary-General for his constant commitment to Haiti and to pay a special tribute to Mr. Lakhdar Brahimi, who has just completed a successful mission to Haiti. I welcome the new Special Representative of the Secretary-General, Mr. Enrique ter Horst, and wish him equal success.

I must hail the role played by the Friends of the Secretary-General on the question of Haiti — Argentina, Canada, Chile, France, the United States and Venezuela — in the campaign to restore constitutional order in Haiti. I also convey special thanks to the Group of States of Latin America and the Caribbean, which placed this item before the General Assembly in 1991 and which has always demonstrated unfailing solidarity with Haiti.

Throughout the long, grave political crisis, that brought my country to the brink of collapse, Haiti has committed itself to national reconstruction with a view to creating a State based on law and a democratic regime able to guarantee all of its citizens economic and social well-being. Through this long process, which began with the restoration of constitutional order in October 1994, major steps have been taken and important milestones reached. In his periodic reports to the General Assembly, for which we thank him, the Secretary-General has laid stress on the real progress Haiti has made in the areas of democracy and respect for human rights.

For our part, it is not without legitimate pride that we can report to the General Assembly on a number of achievements in the political and social life of the people of Haiti: the second democratically elected President in the history of our country has taken office; the Haitian people fully enjoys fundamental freedoms; a legislative power has been restored; local elected officials are establishing their areas of authority in conformity with the Constitution's principles of decentralization; the armed forces — a major element of political instability and of human rights violations in Haiti — has been demobilized pending a parliamentary decision on its future; the National Police provided for in the Constitution has at last been established; and the judicial system is being re-established. Thus a democratic State is gradually being built.

This positive evolution in Haiti's political situation has been made possible by the constant, effective support of the international community, which has stood by the Haitian people in their efforts and to which my delegation is deeply grateful. A major contribution to these developments has come from the United Nations Mission in Haiti (UNMIH) established by the Security Council, and the joint United Nations-Organization of American States (OAS) International Civilian Mission to Haiti (MICIVIH) to monitor respect for human rights. Their activities enabled the previous Government to create a climate of security in Haiti which has made possible a

resumption of political, economic and social activity, and have helped bolster democratic institutions, playing an active part in the holding of the elections that took place during 1995.

In particular, MICIVIH has provided technical assistance that has been most useful to the Haitian authorities in putting in place the means of improving the human rights situation, and it is for that reason that President Préval has requested the continuation of that operation. I take this opportunity to pay tribute to the personnel of the two Missions for their achievements.

A new phase in the process of national reconstruction began on 7 February 1996. During its five-year term, the Government of President Préval, while endeavouring to consolidate the democratic achievements of the previous Administration, intends to guarantee political stability, establish public authority, and promote economic and social development. Government action to achieve those objectives will include the following measures: in-depth reform of the public administration with a view to making it more effective and better able to support the State in carrying out its mission; reform of the judicial system to make it more credible, modern and accessible to all; strengthening of the National Police and attention to its training and discipline; reform of the prison system, so that the National Authority for Prison Administration can guarantee humane conditions of detention and respect for prisoner's rights; implementation of an economic policy that is realistic but able to produce sustained overall development; and implementation of a social policy to meet the basic needs of the people and national integration.

In this new phase, the country will still need international assistance, for our means are extremely limited. The abrupt interruption of the democratic process in 1991 and the ensuing international embargo gravely exacerbated the decay brought about in Haiti by 30 years of dictatorship and a decade of political instability. We urge the international community to continue to support us in this great undertaking of national reconstruction.

Mr. Gnehm (United States of America): The United States wishes to acknowledge the valuable work of the International Civilian Mission to Haiti (MICIVIH) and what it continues to do in Haiti. Its observers, representing 46 countries, help promote respect for human rights in Haiti and represent an excellent example of the very effective coordination between the United Nations and the Organization of American States (OAS). Every day their efforts give concrete proof of the international community's commitment to building democracy and establishing the rule of law in Haiti.

The International Civilian Mission has played a vital role in monitoring the overall human rights situation in Haiti as well as in investigating individual violations. It also observed successive rounds of national elections last year. Its presence has helped the Haitian Government and people create a dramatically improved human rights situation in the past year and a half. A repressive human rights climate in Haiti has given way to one where freedom of expression and freedom of assembly are honoured by the authorities, where people need not fear arbitrary arrest, where the police protect rather than abuse human rights, where every Haitian woman and man can vote freely and peacefully in both local and national elections and where a democratically elected President is succeeded by a democratically elected President.

Today's consideration of MICIVIH's extension also reminds us that much work remains to be done. Haiti's democratic institutions remain fragile. The Haitian National Police is young and inexperienced, and the justice system needs overhaul. Relevant Haitian police and judicial authorities need to conduct thorough investigations of criminal and politically motivated murders, including execution-style killings. The Haitian Government needs to take steps to deepen the faith of the Haitian people in the police and the courts, as well as in the ballot box. My Government, together with several others, is extremely proud to be involved in these efforts, alongside the men and women of the United Nations Mission in Haiti (UNMIH), the OAS and MICIVIH. We remain fully committed to helping Haiti on the road to democracy. This will be a long road, and our renewal of MICIVIH's mandate today will serve to guarantee continued progress.

Finally, let me say that we are pleased with the action in the Fifth Committee regarding the financing of this operation, which we consider to be a very high priority, and we look forward to the Secretary General's report requested by the Fifth Committee.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/50/L.67. The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/50/913.

The Assembly will now take a decision on draft resolution A/50/L.67. May I take it that the Assembly decides to adopt draft resolution A/50/L.67?

Draft resolution A/50/L.67 was adopted (resolution 50/86 B)

The Acting President: We have concluded this stage of our consideration of agenda item 38.

Agenda item 45 *(continued)*

The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

Report of the Secretary-General (A/50/881)

Note by the Secretary-General (A/50/878)

Letter from the Secretary-General to the President of the General Assembly (A/50/891)

Draft resolution (A/50/L.68)

Report of the Fifth Committee (A/50/914)

The Acting President: I call on the representative of Mexico to introduce draft resolution A/50/L.68.

Mr. Albín (Mexico) (*interpretation from Spanish*): It is an honour for me, on behalf of the sponsors — Colombia, Norway, the Russian Federation, Spain, the United States of America, Venezuela and Mexico — to introduce the draft resolution contained in document A/50/L.68 and entitled, "United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala", known as MINUGUA.

It is particularly gratifying that, as the Secretary-General points out in his report, the negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) have already yielded a number of important agreements and have strengthened the conviction that peace is of the essence. The democratic institutions in Guatemala have become stronger and are enjoying greater support from the population. We share the opinion of the Secretary-General that MINUGUA has contributed to placing the peace process and the protection of human rights at the forefront of the political programme.

A new stage of dialogue has begun between the Government and the leaders of the URNG. There is a clear determination on both sides to move forward on outstanding issues on the agenda for negotiations, which are taking place mainly in Mexico. Concrete measures towards *detente* and confidence-building have been taken; these are essential to speed up the peace process.

In view of the support expressed by the Government of Guatemala, the URNG and broad sectors of Guatemalan society, the Secretary-General has recommended that the renewal of the mandate of MINUGUA be authorized for a further period of nine months and 13 days, until 31 December 1996. We the sponsors concur with and support this recommendation.

The draft resolution we are submitting today for the consideration of the General Assembly takes note of the conclusions and recommendations contained in the third and fourth reports of the Director of the Mission regarding compliance by the Government of Guatemala and the URNG with the commitments made in the Comprehensive Agreement on Human Rights and to the human rights aspects of the agreement on Identity and Rights of Indigenous Peoples. It acknowledges the support given to the Mission by both sides and highlights the concern over the inadequate implementation of the Comprehensive Agreement on Human Rights and, in particular, over the failure to adopt measures in accordance with the recommendations of the Mission throughout 1995. It welcomes the commitment expressed by President Alvaro Arzú to continue the peace process with the URNG within the Framework Agreement of 10 January 1994 and his support for the Mission, as well as the commitment of both sides to revitalize their negotiations with a view to the early signing of a final peace agreement.

In the draft resolution's operative part, the Assembly decides to authorize the renewal of the mandate of MINUGUA for a further period, until 31 December 1996, in accordance with the recommendations of the Secretary-General.

By adopting the draft, the Assembly will call upon the Government of Guatemala and the URNG to take effective action to implement the recommendations contained in the reports of the Director of the Mission and to comply fully with their commitments under the

Comprehensive Agreement on Human Rights and with human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples.

The draft reiterates the importance of the undertaking by the parties to continue to provide their broadest support to the Mission and whatever cooperation it may need to carry out its functions, particularly with respect to the security of the members of the Mission.

It encourages the parties to strive for the earliest conclusion of a final peace agreement.

It calls upon them to adopt all necessary steps to eradicate the suffering of the civilian population and to take measures aimed at building confidence between them.

It also invites the international community to continue supporting activities undertaken by the Mission, in cooperation with United Nations programmes and agencies, with a view to facilitating implementation of the Comprehensive Agreement on Human Rights, in particular through voluntary contributions to the trust fund for the Guatemala peace process.

Lastly, it requests the Secretary-General to keep the General Assembly fully informed of the implementation of the resolution.

The United Nations Mission in Guatemala has contributed to promoting conditions for a political solution to a confrontation that has lasted over three decades now. We and the other sponsors are firm in the conviction that renewing MINUGUA's mandate reflects the international community's solid support for the Guatemalan people's efforts to achieve peace and reconciliation in their nation. The way the dialogue and negotiations are going is very promising. We trust that, soon, the parties' dedication and political will will bear fruit, in the signing of a peace agreement.

Given all these considerations, we are confident that the draft resolution — which is an expression of the international community's commitment to the peace process in Guatemala — will be adopted unanimously.

Mr. Ferrarin (Italy): I have the honour to speak on behalf of the European Union. The following countries associate themselves with this statement: Cyprus, Hungary, Malta, Poland, Slovakia and Romania.

The European Union notes with great appreciation that, since the General Assembly created the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA), it has steadily continued to foster a climate of improved respect for human rights in Guatemala, on the part both of the Government and of the Unidad Revolucionaria Nacional Guatemalteca (URNG), thus improving the prospects for the peace process in that country.

The European Union also notes the indication contained in the Secretary-General's report that the Mission was able to carry out its mission in full, and wishes to commend the parties on their cooperation.

We share entirely the Mission's general conclusions and recommendations, which contain some positive aspects, but we also underline that serious and repeated human rights violations have been and are being committed in Guatemala that are not being investigated or punished. Both the Government and the URNG are, by commission or by omission, responsible for their failure to comply with their human rights commitments under the Comprehensive Agreement on Human Rights.

Amongst the positive factors, the Government's cessation of forcible recruitment for military service, its greater moderation in the use of force by the police and security forces and the army's tendency to show more restraint in the armed conflict merit particular emphasis. Amongst the positive steps taken by the URNG, we note its recent tendency to show restraint in its military activities and its unilateral cessation of hostilities during the elections in order to promote the exercise of political rights.

These commendable efforts notwithstanding, it is apparent that a climate of violence and insecurity still exists in Guatemala. The Secretary-General's report makes it clear that, in this regard, both the Government and the URNG bear responsibility for that situation.

The Government has so far failed to combat effectively the persistence of impunity, which is the main obstacle to the enjoyment of human rights. In this context, we support MINUGUA's recommendation to the Government that it should promote a comprehensive and binding policy against impunity.

The URNG is responsible for continued violations of its human rights obligations committed in the context

of the armed conflict, and resulting, *inter alia*, in actions by URNG members that have gone unpunished.

In this context, the European Union wishes to remind both parties of the terms of General Assembly resolution 49/236, and calls upon them to comply fully with their commitments under the Comprehensive Agreement on Human Rights. They must also take specific steps to implement the recommendations contained in the MINUGUA reports, which so far have clearly not always been followed up or put into effect properly. We also encourage compliance with the recommendations issued by the independent expert of the Commission on Human Rights, Mrs. Monica Pinto.

We are nevertheless encouraged by increasing signs that human rights will be more fully enjoyed in Guatemala. Progress in the peace process and in the political transition, the growing participation of indigenous communities in national life, and the higher awareness at the highest level of government and in civil society that impunity must be fought are a source of renewed hope for a better future.

The European Union is of the opinion that the situation in Guatemala is improving and the ongoing peace negotiations have achieved a great deal of forwards momentum. In this respect, we believe that the resumption of the negotiations between the parties on 22 and 23 February in Mexico is a very positive sign of their will to maintain this momentum. In this regard, the European Union expresses its great satisfaction at the recent announcement by the URNG of the temporary suspension of offensive military operations, and at the response from President Alvaro Arzú, who has issued instructions to the army to cease counter-insurgency operations.

This is why the European Union firmly believes that the presence of MINUGUA is valuable and can contribute greatly to the further improvement of the situation in the country. We are therefore of the opinion that its mandate should be renewed for the period recommended by the Secretary-General.

In this respect, the European Union has taken note with great concern of the letter from the Secretary-General to the President of the General Assembly, circulated as document A/50/891, in which he alerts Member States to the implications of requesting him to implement extended mandates, such as MINUGUA's, without at the same time providing adequate additional funding. As a major contributor to the United Nations regular and peace-keeping budgets — assuring at present 50 per cent of the actual cash flow — the European Union is aware of these implications. We fully share the view expressed by the Secretary-General that human rights missions have been established to help bring to an end long-standing conflicts and create conditions for a lasting peace in the countries concerned.

In our view, it is not possible at this stage to have a clear understanding of whether additional appropriations are necessary or whether it can be reasonably expected that the expenses for MINUGUA will be partially absorbed within the existing resources. Let me say that the European Union is ready to agree on the financing of this Mission with additional assessments if it proves impossible to absorb these expenditures through savings from the programme budget. To that extent, it may not be possible ultimately to carry out these activities within the existing resources.

The European Union considers that with the presence of MINUGUA the United Nations is contributing actively and positively to the peace process in Guatemala, helping and encouraging the parties to reach a firm and lasting peace, which would allow the establishment of the foundations of democracy and development and of a true national reconciliation in a climate of freedom and justice.

Mr. Laclaustra (Spain) (*interpretation from Spanish*): The representative of Italy spoke in this debate on behalf of the European Union. Obviously, my delegation associates itself fully with his statement. However, I should like to make a few additional comments, in view of Spain's threefold capacity as a member of the Group of Friends of the peace process in Guatemala, as a country contributing police personnel to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) and as a country that has made its military officers available to the Mission.

This high degree of participation by Spain shows the profound importance that my country attaches to the situation in Guatemala. It is therefore gratifying for us to participate in today's debate, to express our hopes for the positive development of the peace process in Guatemala and to underscore once again the importance we attach to the continued presence of the United Nations in Guatemala, both through MINUGUA and through its role as a moderator in the peace negotiations between the

Government of Guatemala and the Unidad Nacional Revolucionaria Guatemalteca (URNG).

In this context, my delegation believes that the budgetary considerations related to the extension of the Mission in Guatemala should be approached from the standpoint of the encouraging conditions that now exist on the ground, which augur very well for the successful conclusion of the peace process. We therefore consider it necessary to bear very much in mind the letter dated 12 March 1996 from the Secretary-General to the President of the General Assembly, which refers to the budget of the Organization for the 1996-1997 biennium. We must, in any event, be able to ensure the viability of missions such as MINUGUA.

The general elections of 12 November 1995 represented an important milestone in the consolidation of democracy in Guatemala. There was a high level of participation by the population and the presence of political parties that had been absent in prior elections, resulting in stronger parliamentary representativity and legitimacy. The new President of the Republic, Alvaro Arzú, began his mandate by reaffirming his Government's firm commitment to the peace process and by taking a series of measures aimed at promoting that process and at consolidating the democratization of institutions and the state of law. All this augurs very well for 1996 as a decisive year for Guatemala offering real opportunity for the parties to achieve a comprehensive peace agreement.

In fact, with these good auspices and the favourable atmosphere of confidence that has emerged between the Government of Guatemala and the URNG, negotiations resumed between the parties in Mexico City on 22 and 23 February last. We must underscore the fact that the parties expressed their strong will to achieve a firm and lasting peace agreement as soon as possible, as well as their intention that each round of negotiations should yield concrete progress. In particular, they are prepared to finalize as soon as possible the agreement on socio-economic aspects and the agrarian situation, on the basis of the relevant working paper.

Spain commends this impetus being given to the peace process and trusts that both the Government of Guatemala and the URNG will show flexibility in the negotiations so that a satisfactory agreement can be achieved on this very important chapter. We are convinced that the work of moderation being done by the United Nations will effectively help the parties, in accordance with their request, and will thus create the best possible conditions for the success of this round. The various sectors of Guatemalan society must also foster this possibility by lending their support.

My delegation wishes to stress its satisfaction at the progress made in the negotiations between the parties, in which the Government of Guatemala and the URNG worked out a joint understanding on the achievement of agreement on socio-economic aspects and on the agrarian situation. Both parties recognized that this should help overcome the present situation of social conflict in Guatemalan society, respond to the urgent needs of the population and strengthen the potential of the people for economic and social development through a development model that would enable them to participate.

The international community will follow very closely the evolution of these questions, since the results that are achieved will make it possible to lay the foundations for democracy in Guatemala and to begin negotiations on the remaining aspects of the peace process, in particular on the strengthening of civil authority and on the role of the armed forces in a democratic society.

The parties therefore have in their hands, in a favourable climate and with the support of all the Guatemalan people and all of us, the real possibility of putting an end, once and for all, to one of the bloodiest civil wars that has ever afflicted our Ibero-American community.

My delegation has noted with interest the fourth report of the Director of MINUGUA, which covers the period between 21 August and 31 December 1995 and which gives a wide-ranging account of the Mission's first year of work, since its establishment on 21 November 1994. Its general conclusions are significant and point out the consolidation of positive steps on both sides.

The report indicates — quite rightly, we believe — the responsibility of the different branches of the State to fight against impunity. For this reason, we are pleased that in his inaugural statement, President Arzú emphasized his commitment to "fighting impunity head on", to eradicating discrimination against the indigenous population and to the quest for peace. The measures adopted by his Government at the beginning of the year underscore the fact that this commitment is being reflected in concrete deeds, aimed at strengthening civil authority and the rule of law.

In his report on MINUGUA the Secretary-General emphasizes that it is essential that the Government of Guatemala and the URNG adopt the measures necessary to implement the recommendations of the Mission, which have too often gone unheeded. We support this appeal, which is of particular relevance at the present stage of the peace process, in a context containing elements of hope for the fuller observance of human rights and following elections in which the people expressed their confidence that this new stage would make it possible, once and for all, to bind the wounds of a conflict in which so much blood was shed.

Draft resolution A/50/L.68, the text of which Spain drafted and is sponsoring together with the other countries of the Group of Friends of Guatemala, and which the General Assembly proposes to adopt today — by consensus, we trust — would extend the mandate of MINUGUA to 31 December 1996, in accordance with the recommendations of the Secretary-General. Through it, we express our confidence that the parties and Guatemalan society as a whole will make tangible progress towards the conclusion of a firm and lasting peace and the consolidation of democracy and a state of law in which national reconciliation, development and well-being, in a climate of freedom, justice and respect for human rights, form an integral part of the life of every citizen of Guatemala.

Mr. Wide (Sweden): Sweden associates itself fully with the statement made by the representative of Italy on behalf of the members of the European Union.

The peace process in Guatemala has reached a critical juncture. The past year has seen important progress, and the peace process now holds considerable promise for the future. The successful completion of the peace negotiations will require the continued determination and commitment of both parties and the active support of the international community. The United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) and the Guatemala Unit of the Secretariat both have an important role to play in these efforts.

Sweden welcomes the recent decision of the Unidad Revolucionaria Nacional Guatemalteca (URNG) to suspend unilaterally military operations, as well as the subsequent decision of President Arzú to instruct the army to cease counter-insurgency operations. We also note with satisfaction the completion on 30 March of the most recent round of negotiations within the framework of the peace process, after which the United Nations Moderator was able to report further progress towards the conclusion of an agreement on socio-economic aspects and the agrarian situation.

It is our firm hope that the peace negotiations will continue according to schedule. As negotiations are pursued in the areas which remain to be discussed, it is none the less essential that the commitments already entered into by the parties within the framework of the peace process be implemented in full. It is only through the fulfilment, by both the Government and the URNG, of the obligations already undertaken that the necessary momentum and trust will be created for further commitments.

Serious human rights violations continue to take place in Guatemala, in contravention of both international human rights law and the Guatemalan Comprehensive Agreement on Human Rights. MINUGUA's report to this Assembly concludes that the majority of the human rights violations originated in actions by agents of the State or groups connected to the State or were the outcome of the failure by the State to ensure its citizens' security. In this context, we call on the Government to ensure full respect for its human rights obligations and for the obligations incumbent upon it under other agreements within the peace process. In particular, determined action must be taken against the pervasive impunity, which, in the words of Secretary-General,

> "has been the main obstacle to the enjoyment of human rights" (*A/50/881, para. 6*)

in Guatemala. Sweden therefore notes with satisfaction that President Arzú's Government, during its first few months in office, has started to take action against violence and impunity, and we urge the Government to continue with these difficult but vital actions.

We also urge the Government to promote implementation of the Agreement on Identity and Rights of Indigenous Peoples, including the establishment of adequate mechanisms for consultations with indigenous organizations. We note in this context the decision in March by the Guatemalan Parliament to ratify International Labour Organization Convention 169.

During the armed conflict in Guatemala, the civilian population has been exposed to appalling abuses. The URNG bears its share of the responsibility for these violations. We note with concern that threats related to

the so-called war tax continue, in violation of the URNG's obligations under the peace accords. Sweden shares the concern expressed by MINUGUA at the lack of measures taken to follow up and implement the recommendations of the Mission. We urge both parties to comply with these recommendations, as well as with those issued by the Independent Expert of the Commission on Human Rights, Mrs. Mónica Pinto.

Sweden firmly supports the work of MINUGUA and has contributed substantially to the Trust Fund for the Guatemala Peace Process. We are pleased that a compromise has been reached regarding the financing of MINUGUA, as it made possible today's decision to extend the mandate of the operation. However, our responsibility to continue to secure a sound financial basis for MINUGUA remains, as outlined by the presidency of the European Union. We would do well to remember it when the financial issue is raised again in May. At that time we will need to revert to the fundamental problem highlighted by the Secretary-General in his letter to the President of the General Assembly: the need to provide sufficient resources for operations mandated by the General Assembly. We agree with the Secretary-General that this is not just a budgetary problem, but one which relates to the very capacity of the United Nations to act in the field of peace and security. The delay in adopting today's draft resolution was not the result of differences of opinion on the need for a continued United Nations presence in Guatemala, nor, indeed, about the value of the vital work being done by MINUGUA. There must be no doubt about the support of the international community for the work of MINUGUA, and we welcome the extension of the mandate of the Mission.

Sweden will continue to contribute to the peace process in Guatemala and to the important work of the United Nations in that country. In view of the budgetary consequences of operative paragraph 3 of the draft resolution before us, we have not found it possible to be a sponsor of the draft resolution this year. But for this, we would have welcomed the opportunity once again to be a sponsor of a draft resolution on Guatemala and MINUGUA.

Mr. Gnehm (United States of America): As a member of the Group of Friends of the Guatemalan peace process, the United States is proud to be a sponsor of draft resolution A/50/L.68, which extends the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) through 31 December 1996.

MINUGUA's work in monitoring the compliance of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) with their commitments under the Comprehensive Agreement on Human Rights and under the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples is crucial to establishing an atmosphere of confidence and freedom from intimidation which will encourage the prompt and successful conclusion of the peace negotiations.

The United States welcomes this opportunity to commend the Director of MINUGUA, Mr. Leonardo Franco of Argentina, and the international monitors and officials on his staff for their contribution to the development of a peaceful and democratic society in Guatemala. The dedication, resourcefulness and courage they have shown in their day-to-day activities in Guatemala not only bring honour to the United Nations as an institution, but also serve as an example to civilian and military officials in Guatemala. MINUGUA's thorough, professional and impartial reporting on incidents of violations of human rights provides an important resource for the Guatemalan Government as it seeks to improve government institutions charged with supporting human rights and for the international donor community seeking to assist in this endeavour.

The United States wishes to recognize the important step taken by the Government of Guatemala and the URNG to cease offensive military operations. This courageous step of ending armed hostilities is an important contribution towards bringing the peace negotiations to a successful conclusion and ending the suffering endured by the people of Guatemala throughout the 35-year-long civil conflict.

Finally, let me say that we are pleased with the action in the Fifth Committee regarding the financing of MINUGUA, which we consider to be a very high priority. We look forward to the report of the Secretary-General requested by the Fifth Committee.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/50/L.68, entitled "United Nations Mission for the Verification of Human Rights and of Compliance with the

Commitments of the Comprehensive Agreement on Human Rights in Guatemala".

The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/50/914.

The Assembly will now take a decision on the draft resolution.

May I take it that the General Assembly decides to adopt draft resolution A/50/L.68?

Draft resolution A/50/L.68 was adopted (resolution 50/220).

The Acting President: I call on the representative of Guatemala.

Ms. Fuentes Orellana (Guatemala) *(interpretation from Spanish)*: My delegation is honoured to express the appreciation of the people and the Government of Guatemala to the international community, so worthily represented in this Assembly, for having once again displayed its firm commitment to the Guatemalan peace process, through the third renewal of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), which has just been agreed through the adoption by consensus of the draft resolution contained in document A/50/L.68.

We also express our appreciation to the sponsors of that draft, and particularly to the countries that are members of the Group of Friends of the peace process. We hardly need reiterate our profound gratitude to the Secretary-General for his continued support for the peace process, and to his staff for their efforts in the difficult tasks that this process involves.

We are seriously concerned indeed that for financial reasons with which we are all familiar the mandate, which was expected to be extended to the end of the year, is being extended only until 15 May 1996. However, we understand very well that the only alternative to this dramatic shortening of the originally planned mandate was the dissolution of MINUGUA. We are confident that in the period we have been granted through this interim measure it will be possible to take the necessary steps to see to it that, as expected, MINUGUA can continue to function until the end of the year.

It is almost impossible to overemphasize how important it is to Guatemala to see the prompt culmination, through the establishment of a firm and lasting peace, of the peace process in which we are involved, which is being promoted with renewed vigour by the Government of the Republic and the Unidad Revolucionaria Nacional Guatemalteca (URNG).

One fundamentally important means of facilitating, encouraging and promoting the negotiations and of creating the conditions necessary so that they can succeed is the continuation of the mandate of MINUGUA, established at the request of the Government and the URNG, for the duration of the peace process.

While the last noteworthy milestone in the negotiations — the Agreement on Identity and Rights of Indigenous Peoples — dates back to 31 March 1995, it should be noted that recently, and especially since the Government of President Alvaro Arzú Irigoyen was inaugurated just two and a half months ago, the negotiations between the Government and the URNG have been revitalized, gaining new and encouraging momentum. Thus, at the end of the three days of talks held in Mexico City, which were closed last month, both parties agreed on affirming the need to overcome the divisive social problems afflicting the country and to put an end to the armed conflict that has bloodied and impoverished the country for the past 36 years. It should also be underscored that a few days ago the Government and the URNG agreed temporarily to put an end to military action. This step, in addition to its intrinsic benefits, is an extremely encouraging development, offering prospects for the successful conclusion of the peace process in the near future.

The Government of Guatemala believes that the attainment of this supreme objective, so deeply desired by the people of Guatemala, is not merely a *sine qua non* for eliminating the many tragic problems afflicting the country in the area of human rights, among which, as MINUGUA has shown, the problem of impunity stands out. The establishment of peace will also be a decisive factor in helping the country take the path towards normalization in the areas of human rights, respect for the rule of law, democratization and economic and social development.

We therefore hope that within the short period granted to us it will be possible to find the means to allow MINUGUA to continue.

The Acting President: We have concluded this stage of our consideration of agenda item 45.

Programme of work

The Acting President: I should like to make an announcement concerning the Informal Open-ended Working Group on An Agenda for Peace.

Members will recall that at the forty-seventh session of the General Assembly an Informal Open-ended Working Group on An Agenda for Peace was established, and the President of the Assembly designated the Permanent Representative of Egypt, His Excellency Mr. Nabil El Araby, its Chairman. Members will further recall that the Informal Open-ended Working Group was reconvened during the forty-ninth session and that the President of the Assembly again designated Ambassador El Araby Chairman of the Informal Open-ended Working Group. At its 108th plenary meeting on 18 September 1995, the Assembly recommended that the Informal Open-ended Working Group continue to convene its meetings during the fiftieth session.

Ambassador El Araby has recently informed the President of the Assembly that, owing to numerous other engagements, he will no longer be able to continue to serve as Chairman of the Informal Open-ended Working Group. In this regard, the President of the Assembly has asked me to inform members that, following consultations, he has designated the Permanent Representative of Namibia, His Excellency Mr. Tunguru Huaraka, to assume the chairmanship of the Informal Open-ended Working Group on An Agenda for Peace.

I should like to take this opportunity to thank, on behalf of the Assembly, Ambassador El Araby for his exemplary leadership and the invaluable contribution he has provided to this very important Working Group.

The meeting rose at 1.30 p.m.